

Application No.: 10/716,221

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Docket No.: 245402007600

**REMARKS**

Claims 1-8 were pending in the present application. By virtue of this response, claim 5 has been cancelled, claims 1, 4, and 6-7 have been amended, and new claims 9-10 have been added. Accordingly, claims 1-4 and 6-10 are currently under consideration. Support for the claim amendments can be found in the original claim language. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter has been added.

**Rejections under 35 U.S.C. §103(a)**

Claims 1-3, and 8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,493,377 (the Choquette reference).

With respect to currently amended claim 1, the Choquette reference fails to teach or disclose "said stripe portion different in conductivity type from adjacent portions is formed by using at least two carrier material gases having different absorption rates into said cladding layer at a prescribed temperature and different conductivity types, and by creating a temperature distribution of crystal growth temperatures of said cladding layer"; as recited in currently amended claim 1. Accordingly, the Choquette reference fails to teach or disclose all of the limitations of currently amended claim 1 and thus rejection of claim 1 should be withdrawn.

The rejection of claims 2-3 and 8 should be withdrawn for at least the reason that they depend from an allowable base claim.

**Allowable Subject Matter**

Claim 5 has been canceled and its limitations have been incorporated into claim 1 as suggested by the Examiner. Thus, claim 1 is in immediate condition for allowance.

Claim 4 has been amended to include all of the limitations of claim 1 as suggested by the Examiner. Thus, claim 4 is in condition for immediate allowance. Additionally claims 9-10 which

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depend from claim 4 have been added and should be allowed for at least the reason that they depend from an allowable base claim.

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**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 245402007600. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 22, 2005

Respectfully submitted,

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